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**ROLE OF KOMNASHAM IN
PROMOTING RIGHT TO WATER
AND SANITATION IN INDONESIA**

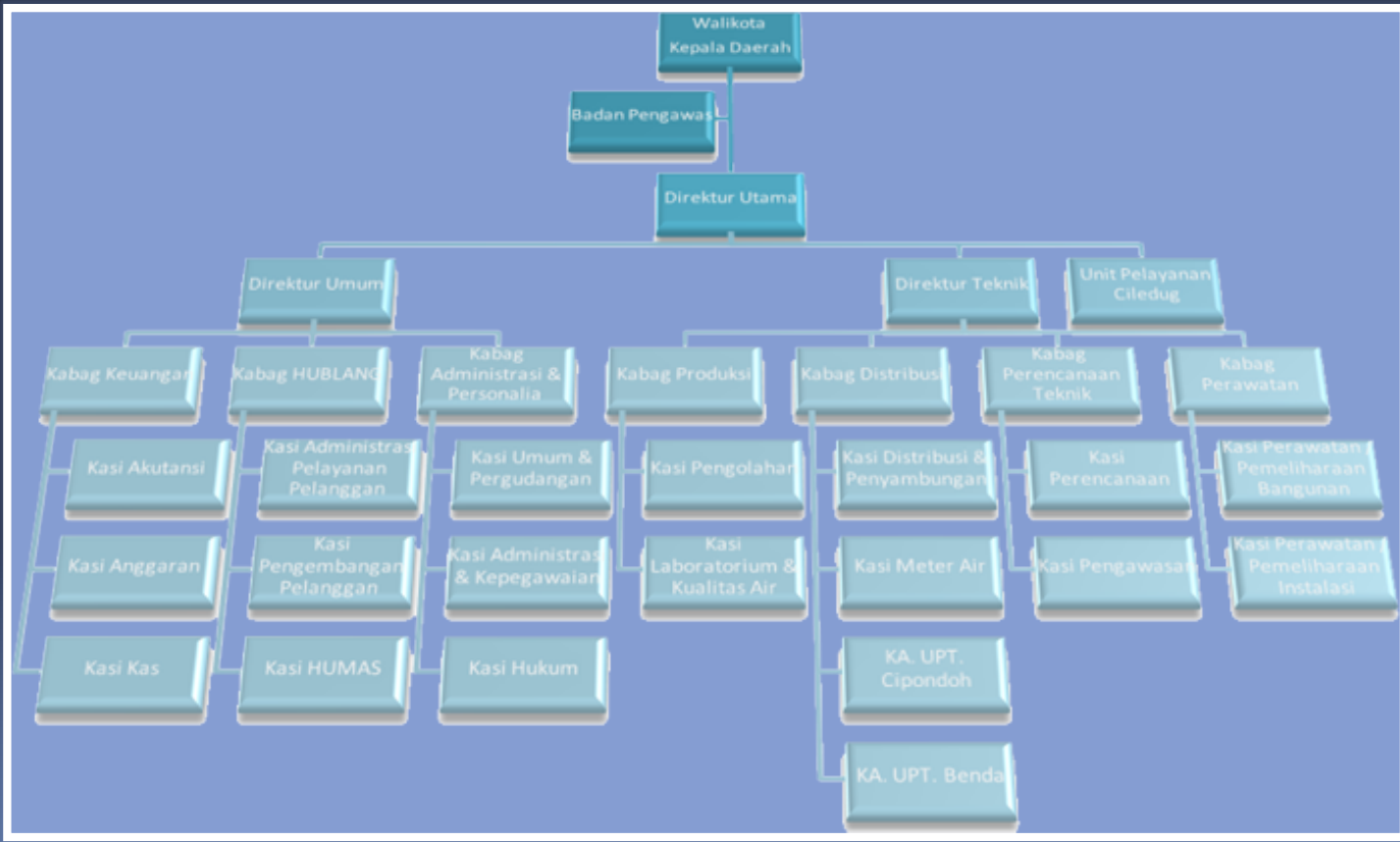


RIGHT TO WATER

- Right on the water, now being threatened by the agenda of privatization and commercialization of water. Press reported, dozens of water resources in the area of Sukabumi, West Java Province, for example, is controlled by private. Meanwhile, local residents began to fail by the scarcity of clean water supplies. If traced, the policy of privatization and commercialization of water that is now prevailing in Indonesia, was actually part of the corporate agenda to dominate the sources of water and body water providers (PDAM) government-owned

THE BASIS OF STATE TO FULFILL

- The Indonesian government has formulated laws related to the fulfillment of the right to water, among others, the 45 Constitution Article 33, PP. 82 Year 2001 on Water Quality Management and Control of Water Pollution and Law. 7 / 2004 on Water Resources which became the basis of the state to fulfill the right to water for citizens of Indonesia obligations of states to control water for the greatest prosperity for the people, this gives the mandate to the government to regulate, ensure and manage water resources to satisfy water rights for all citizens.
- Judicial review of the Act No.7 of 2007 carried out by several components of society, in which the Constitutional Court ruling stating there is no material violation of the Act No.7 of 2007, but in the decision the Court stated that the Act No.7 of 2007 conditionally constitutional if their implementation consistent with the interpretation of the Constitutional Court. Several articles in the law is indeed open opportunities privatization of water supply, and control of water sources (groundwater, surface water, and part of the river) by business entities and individuals. The implications of this privatization policy, the service guarantee basic rights for people of many ultimately determined by the private sector with the market mechanism



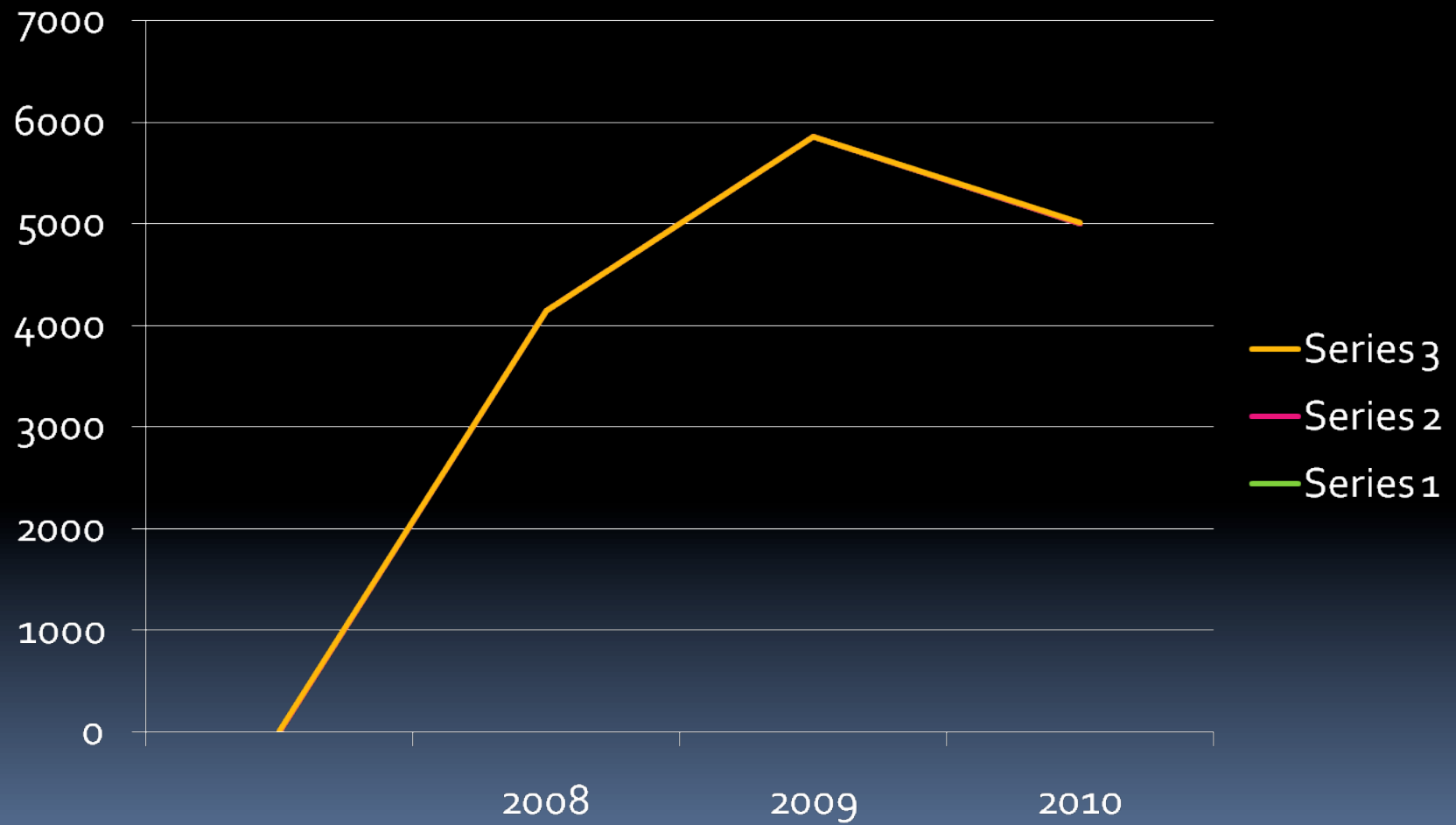
RIGHT OF USE WITHOUT PERMISSION

- In implementing the mandate of law in the management of water, one of the steps the government is to publish the policy related to water rights, among other Law 7 of 2007 on Water Resources, one of the articles regulating the rights to the water with the permission and rights to water by permit. Right of Use without permission for (1) daily basic needs of individuals and (2) small-scale agriculture in the irrigation system, while the Right of Use with permission when: (1) alter the natural condition of water sources (2) for the group in large numbers (3) people outside the agricultural irrigation systems.

INDONESIAN COMMISSION ON HUMAN RIGHTS

- KOMNAS HAM up to this moment has not provided particularly close attention to the right to water and sanitation. From about 5000 cases received by Komnas HAM in each year is dominated by human rights abuses by police, corporations and the State apparatus. A small number of human rights violations committed by the corporation have the right to water issues. One of cases up to now monitored by Komnas HAM is a conflict that occurred in the district of Serang Banten. This conflict occurs between residents in the district of Serang Banten Padarincang with PT. Tirta Investama (the company that produces mineral water Aqua).

CASES, 2007-2010



RIGHT TO WATER CASE

- Cirahab Village District Padarincang, Serang, Banten, blessed with incredible water source that can be used in various ways by the community. Began to bathe, drink, and supplies the rice field. Of water that is, residents can plant rice and harvest it for survival. Countries do not have to busy to provide, adequate maintenance and protecting from various threats. However, anxiety and the real threat now haunt people in there, considering there are plans to build plant by PT Tirta Investama Aqua (Aqua Danone, France) in Cirahab Village.

REJECTION

- Rejection of society based on the possibility of impact on the environment and surrounding communities. Some of these impacts are as follows:
 - - Changes in productivity, production activities of local communities.
 - - Conflict horizontally and vertically in the form of struggles over water rights
 - - Changes in land use from productive land into rain-fed land and rain-fed land into irrigated land is not critical because it is not watered
 - - Changes in the function of agricultural lands into residential areas and various buildings.
 - - Changes in land use to be industrial fishery with high population density. In addition to environmental impacts, social impacts of industrialization will bring for local communities, among others:
 - - Transfer of residence which means displacing local community and was replaced by immigrant communities that have greater capital.
 - - The loss of livelihoods of the majority of people who rely on the existence of agricultural land.
 - - The loss of manpower due to the spirit of togetherness that is absorbed by the drinking water industry is clearly not going to accommodate all workers who have lost their agricultural land. This situation clearly will lead to competition that leads to conflict in communities surrounding factory sites.
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CONCLUSION

- Dependence on the private community of increasingly advanced. This reality is very ironic because the public control over water is basically the dignity of all human life and desperately need water to live. As with everything in the water and the earth controlled by the state, then the parties related to the management and provision of water should pay attention to water issues. Professionalism and maturity required in water management to support sustainable development in Indonesia. But more important than all of that is water management should be returned on the right track as mandated by the 1945 Constitution, which expressly guarantees the public rights to water. Indonesia through Law No. 11/2005 has ratified the international covenant on economic, social, cultural, so that the state should fulfill the rights of society, including the need for clean water. However, the government deemed to have failed to meet these people's rights.